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7590	06/20/2005			EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.



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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 53105 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:

- A. Amended paragraph(s) do not include markings.
- B. New paragraph(s) should not be underlined.
- C. Other \_\_\_\_\_

2. Abstract:

- A. Not presented on a separate sheet. 37 CFR 1.72.
- B. Other \_\_\_\_\_

3. Amendments to the drawings: \_\_\_\_\_

4. Amendments to the claims:

- A. A complete listing of all of the claims is not present.
- B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).

Claims need to be on separate sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ropa/preonnotice/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

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571-272-4904

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## CLAIMS

What is claimed is;

- (1) (canceled) An auto racing board game preferably of such a scale as to permit use of popular 1/24 or 1/64 scale model racing cars as playing pieces, employing a method to govern movement of these playing pieces, the progress of which is based on and adjusted for statistical probability of various possible results available when rolling popular, six-sided, casino-style dice, wherein the game board is comprised of a playing surface having a plurality of racing lanes each being subdivided into an various numbers of advancement spaces including a starting space and a finishing space, wherein the number of spaces vary from one lane to another, the number of spaces in any given lane being inversely proportional to the probability of rolling a dice value allowing the car in that lane to advance, such that the probability of advancing to the winner's line is essentially equal for all playing pieces; and
- (2) (canceled) A device as in claim (1) further comprising a plurality of playing pieces corresponding to the number of racing lanes, preferably in the form of miniature automobiles, dice being used for determining the advancement of said playing pieces, pit passes being dealt to indicate winning and losing lanes, chips preferably in the form of tire tokens (representing capital), tire haulers and winners cups (both being receptacles for tire tokens), and yellow, red and black caution flags.
- 3.(new) An auto racing board game device, comprising a game-board, two dice and playing pieces, that progress across the board, this progress being based on and adjusted for statistical probability of all possible

results available when rolling six-sided, casino-style dice, wherein the game board is comprised of a playing surface having a plurality of racing lanes with a maximum of one playing piece assigned to each lane, each piece progressing a maximum of one space per roll, each lane being divided into different numbers of advancement segments including a starting segment and a finishing segment, the number of segments in any given lane being inversely proportional to the probability of rolling a dice combination value allowing the piece in that lane to advance, such that the probability of advancing through the lane segments from start to finish is essentially equal for all playing pieces.

**4.(new) A device as in claim 3 further comprising;**  
a second chance element, imposing lane advantages and disadvantages, preferably manifested in the form of cards being dealt or drawn,

indicators representing penalty status for player errors or rule infractions, these indicators preferably comprising yellow, red and black caution flags,

capital, represented by tokens, preferably stylized as miniature tires, and

receptacles for capital tokens, preferably stylized as tire haulers and/or winner's cups.

**5.(new) A device as in claim 3, wherein the playing pieces comprise miniature model automobiles.**

6.(new) A device as in claim 3 of such a scale as to permit use of popular 1/24 or 1/64 scale model racing cars as playing pieces.

7.(new) A method of playing an auto racing game comprised of;  
providing a game board with segmented lanes, each lane including a start and a finish,

providing playing pieces, each piece to progress, alone, along its own segmented lane, the number of segments in any given lane being inversely proportional to the probability of rolling a dice combination equal to that given lane number,

governing the progress of each piece by a means of chance dice rolls each piece being allowed to advance only one segment per roll, advancing only upon a dice roll outcome that equals the lane number of that given playing piece.

8.(new) A method as in claim 7 further providing;  
a means of introducing chance lane advantages or disadvantages,  
a means of awarding penalties for player errors or rule infractions,  
and symbols to represent award of these penalties,  
capital, and a means of representing capital via tokens, and  
receptacles for tokens representing capital.

9.(new) A method as in claim 7 wherein the playing pieces provided are in the form of miniature automobiles.

10.(new) A method as in claim 7 wherein the game board lane segments are provided of such a scale as to approximate the horizontal dimensions of 1/24 or 1/64 scale model racing cars, allowing said cars to be used as playing pieces.

11. (new) An article of manufacture comprising;

a game board comprised of a playing surface having a plurality of racing lanes numbered two through twelve, each lane being divided into advancement segments inclusive of a starting segment and a finishing segment, the lanes numbered two and twelve having 2 segments each, lanes three and eleven having 4 segments each, lanes four and ten having 6 segments each, lanes five and nine having 8 segments each, lanes six and eight having 10 segments each and lane seven having 12 segments,

dice which are rolled to govern movement of playing pieces,

playing pieces, of which a maximum of one is assigned to each lane, each piece progressing a maximum of one lane segment per roll and progressing only upon a dice roll that results in a combination the sum of which matches the lane number of that piece,

cards comprising a second chance element, as they are dealt or drawn, imposing lane advantages and disadvantages, said cards stylized as pit passes,

yellow, red and black caution flags signifying penalties for player errors or rule infractions,

miniature tokens representing capital, stylized as tires, and

receptacles for capital tokens, stylized as tire haulers and/or winner's cups.

12.(new) An article of manufacture as in claim 11, wherein the playing pieces comprise miniature model automobiles.

13.(new) An article of manufacture as in claim 11 wherein the lane segments are of such a scale as to approximate the lengths and widths of 1/24 or 1/64 scale model racing cars.

14.(newly canceled)) A device as in claim 1, or a method as in claim 7 or an article of manufacture as in claim 15 wherein the game board and playing pieces comprise magnets and magnetic materials.

15.(new) A device as in claim 1, wherein the game board and playing pieces comprise magnets and magnetic materials.

16.(new) A method as in claim 7 wherein the game board and playing pieces comprise magnets and magnetic materials.

17.(new) An article of manufacture as in claim 15 wherein the game board and playing pieces comprise magnets and magnetic materials.